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 7
                              UNITED STATES DISTRICT COURT
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 9
                            SOUTHERN DISTRICT OF CALIFORNIA
10
11
    GRACE E. LA
                                              ) Case No.: 08 CV 0532WQH WMc
12
                                              ) REQUEST FOR JUDICIAL NOTICE IN
    v.
                                              ) SUPPORT OF MOTION TO DISMISS
13
                                              ) FOR LACK OF PERSONAL
    ANDRA LEONARD ALLEN;
    FOREVER DIAMONDS, a business entity of
                                              ) JURISDICTION AND VENUE OR IN
14
    unknown origin, and DOES 1 though 50,
                                              ) THE ALTERNATIVE TO TRANSFER
    inclusive
15
                                              ) VENUE, MOTION TO DISMISS FOR
                                              ) FAILURE TO STATE A CLAIM AND
16
                                              ) MOTION TO STRIKE
                                              ) [Fed. Rules of Civ. Proc. 12(b)(2);
17
                                               ) 12(b)(3); 12(b)(6); and 12(f); 28 U.S.C.
                                              ) §§1404 and 1406]
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19
                                              ) DATE: JUNE 16, 2008
                                              ) TIME: 11:00 AM
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                                              ) DEPT: 4
                                              ) JUDGE: Hon. William Q. Hayes
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                                              ) COMPLAINT FILED: March 21, 2008
                                              ) TRIAL: none set
23
                                              ) NO ORAL ARGUMENT UNLESS
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                                                 REQUESTED BY THE COURT
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          TO PLAINTIFF AND HER ATTORNEYS OF RECORD:
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          In support of Defendant, Andra Allen's ("Allen") Motion To Dismiss For Lack Of Personal
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     Jurisdiction And Venue or In The Alternative To Transfer Venue; Motion To Dismiss For Failure To
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                                                   08-cv-0532WQH WMc
        NOTICE OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND VENUE OR IN THE
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ALTERNATIVE TO TRANSFER VENUE, MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND MOTION TO STRIKE

State A Claim; And Motion To Strike, Allen requests that the Court take judicial notice of certain files provided to the Clark County of Nevada County Clerk's office and take judicial notice of Forever Diamond's status as a fictitious business name of Allen. Attached as Exhibit "C" to Allen's declaration filed concurrently herewith is the Certificate of Business: Fictitious Firm Name form filed with the Clark County Recorder's Office on October 30, 2007. Also attached as Exhibit "C" is "Forever Diamonds" Nevada business registration form.

FRE Rule 201 states that a court may take judicial notice of a fact that is not subject to 'reasonable dispute" in that the fact is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to source whose accuracy cannot reasonably be questioned. A court may take judicial notice of "matters of public record" without converting a motion to dismiss into a motion for summary judgment. MGIC Indem. Corp. v. Weisman, 803 F.2d 500, 504 (9th Cir.1986). Forever Diamond's status as a fictitious business name of Allen is not subject to reasonable dispute and is easily verifiable by resort to the public records filed with and maintained by the County Clerk's office of the Clark County, Nevada. As such, it is proper for the Court to take judicial notice of the fact that Forever Diamond is a fictitious business name of Allen.

Dated: May 9, 2008 Respectfully Submitted,

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08-cv-0532WQH WMc

s/Timothy P. Dillon Attorneys for Defendants,

Andra Leonard Allen and Forever Diamonds